IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

§

§

š

δ

Ş

§ § §

In re Application of:

TODD ET AL.

Serial No: 10/664,126

Filed:

SEPT. 17, 2003

Title: "IMPROVED

SUBTERRANEAN TREATMENT FLUIDS AND METHODS SUBTERRANEAN

TREATING FORMATIONS"

Group Art Unit: 1796

Examiner

FIGUEROA, JOHN J.

Attv. Docket No: 2003-IP-010228U1

CERTIFICATE OF FILING ELECTRONICALLY VIA EFS 37 C.F.R. § 1.8

I HEREBY CERTIFY THAT I HAVE A REASONABLE BASIS FOR BELIEF THAT THIS CORRESPONDENCE IS BEING SUBMITTED TO THE UNITED STATES PATENT AND TRADEMARK OFFICE VIA EFS (ELECTRONICALLY) ON THE DATE INDICATED BELOW, AND IS ADDRESSED TO:

> HONORABLE COMMISSIONER FOR PATENTS P.O. Box 1450 ALEXANDRIA, VA 22313-1450

MAIL STOP APPEAL BRIEF - PATENTS **Commissioner for Patents** P.O. Box 1450 Alexandria, VA 22313-1450

DEBBIE ALLEN

DATE OF SUBMISSION: ELECTRONIC FILING (EFS) DECEMBER 5, 2008

SUPPLEMENTAL APPELLANTS' BRIEF (37 C.F.R. § 41.37)

This supplemental brief is submitted in support of Appellants' original Brief filed on October 20, 2008, in response to the Notice of Non-Compliant Appeal Brief mailed on November 7, 2008 ("the Notice"). The Notice states that "Heading X Related proceedings appendix is missing" from Appellants' original brief. Appellants' original brief included Section II. entitled "Identification of Related Appeals and Interferences," and Appendix C entitled "Related Proceedings," both indicating that there are no prior and pending appeals, interferences or judicial proceedings known to Appellants which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal. Appellants believe these portions of their original brief satisfy the requirements of 37 C.F.R.

Application Serial No. 10/664,126 Attorney Docket No. 2003-IP-010228U1

§ 41.37(c)(1)(x) and MANUAL OF PATENT EXAMINING PROCEDURE § 1205.02. However, in an abundance of caution, Appellants submit the following Section IX to supplement their original brief and re-submit Appendix C to provide the requested material.

IX. RELATED PROCEEDINGS

There are no prior and pending appeals, interferences or judicial proceedings known to Appellants which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal. Appellants have provided Appendix C entitled "Related Proceedings," which indicates that there are no materials from any such related proceedings.

Appellants believe that there are no fees due in association with this filing. However, should the Commissioner deem that any additional fees are due, including any fees for extensions of time, the Commissioner is authorized to debit Baker Botts L.L.P.'s Deposit Account No. 02-0383, Order Number 063718.0187.

Respectfully submitted.

Elizabeth L. Durham Registration No. 59,509

BAKER BOTTS L.L.P. One Shell Plaza

910 Louisiana Houston, TX 77002 Telephone: 713.229.2104 Facsimile: 713.229.7704

Email: liz.durham@bakerbotts.com

Date: December 5, 2008

APPENDIX C: RELATED PROCEEDINGS

None